IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2005

Coram :

THE HONOURABLE MR.MARKENDEY KATJU, CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE A.KULASEKARAN

Writ Appeals No.2969 of 2001 & 331 of 2002

C.M.S.Evangelical Suvi David
Memorial Hr.Sec.School Committee
Karisal through its secretary
Sri.S.David Stephen — Appellant in WA. No.2969 of 2001

J.David — Appellant in WA. No.331 of 2002

v.

1. The District Registrar,
   Cheranmahadevi,
   Tirunelveli District.

2. Jebamani — Respondents 1 & 2 in both the writ appeals

3. V.Eliazer

4. District Educational Officer,
   Cheranmahadevi, Tirunelveli.

5. Chief Educational Officer,
   Tirunelveli. — Respondents 3 to 5 in WA.No.2969 of 2001

Writ Appeals filed against the common order of a learned single Judge made in W.P.No.20121 of 2000 and 1701 of 2001 dated 11-12-2001.

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WP.No.20121 of 2000 and 1701 of 2001 presented under Article 226 of the Constitution of India to issue writs of certiorarified Mandamus calling for the records relating to the order in No.8593/Aa2/99 dated 13.11.2000 passed by the District Registrar, (in Charge) Cheranmahadevi, Tirunelveli District and quash the same and for hearing the second respondent form functioning as president of CMS Evangelical Suvi David Memorial Higher Secondary School Karisal, Ambasamundram Taluk, Tiruvelveli District.

For Appellant in
WA.No.2969 of 2001: Mr.A.R.Nixon, for Mr.S.John Sundarlal Suresh

For Appellant in
WA.No.331 of 2002: Mr.N.Paul Vasanthakumar

For Respondents
1, 4 & 5 : Mr.S.Kandasamy,
Special Government Pleader

For Respondent 2 : Mr.T.Sellapandian
For Respondent 3 : No appearance

JUDGMENT

(Judgment of the Court was delivered by
the Honourable the Chief Justice)

These writ appeals have been filed against the common order of the learned single Judge dated 11.12.2001. Heard the learned counsel for the parties.

2. The facts in detail have been given in the judgment of the learned single Judge and hence we are not repeating the same. The writ petitioners challenged the election of the school committee of the society and also educational agency.

3. It had been held by a Division Bench of this Court in the case of S.Thamil Arasan v. R.Narayanan 2005 (1) CTC 399 that once the election process has started, the Court cannot interfere, and it is only when the election result is declared that the election can be challenged by filing an election petition, if provided under the rules, or by filing a civil suit, if there is no provision in the rules for filing an election petition. The same view has been taken by a Full Bench of this Court in the case of CMS Evangelical Suvi David Memorial Higher Secondary School v. The District Registrar, Cheranmahadevi, 2005 (2) CTC 161.

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4. Following the said judgments, these appeals are dismissed with liberty to file civil suits. We make it clear that the appellants can also challenge the order of the Registrar dated 13.11.2000 in the civil suit subject to the objections that may be raised by the respondents.

5. The writ appeals are dismissed on the ground of alternative remedy.

mf

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

Copies to

1. The District Registrar,
   Cheranmahadevi,
   Tirunelveli District.

2. The District Educational Officer,
   Cheranmahadevi, Tirunelveli.

3. The Chief Educational Officer,
   Tirunelveli.

+ 1 cc to Mr.A.R.Nixon, Advocate SR No.38618

+ 1 cc to the Government Pleader SR Nos.38539

+ 1 cc to Mr.S.Mani, Advocate SR No.38737

+ 1 cc to Mr.AR.L.Sundaresan, Advocate SR no.38875.

JRG(CO)
SR/21.9.2005

WAs No.2969 of 2001
& 331 of 2002

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